Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 0 0 9 - 0 1 3 4 6 - 5 1 0 0 - 1 4 5 | Date: 9/24/09 | Time: 1530 hrs.

Location: 441 Bauchet St | City or Station: Los Angeles/Custody Division

Bureau/Station/Facility: Men`s Central Jail | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant Force, Hands and Feet,Take Down,Taser,Freeze + P

Deputy Injury : YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☐ Call ☒ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ Person Notified: Lt. Grimaldi Emp: [redacted] IAB Roll Out: YES ☐ NO ☒

Involved Employee

E1

Employee #: [redacted] | Last Name: Navarro | First Name: Juan | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: Men`s Central Jail | Work Assignment (Unit #, Module, etc.): Module 3500/3700 Movement Deputy

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 511 | Weight: 180

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E2

Employee #: [redacted] | Last Name: Luviano | First Name: Fernando | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: Men`s Central Jail | Work Assignment (Unit #, Module, etc.): Module 3700 Deputy

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 509 | Weight: 180

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E_

Employee # | Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Diaz	Benjamin		SLD	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	Barsh	Jennifer	L	SGT	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Herron	Edward	G.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Rivera	Frank	

Frank Rivera
Watch Commander (**Print Name**) | Watch Commander's **Signature**: [signature] | Emp #: [redacted] | Date: 11-09-09

Jennifer L. Barsh
Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Daniel S. Cruz
Unit Commander (**Print Name**) | Unit Commander's **Signature**: Daniel S. J. Cruz | Emp #: [redacted] | Date: 11-19-09

DISCOVERY Use Only

2254421

2-CD's
2-MIN DVC

Liew 8/18/10

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SUSPECT INFORMATION
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Suspect Information

S 1

Last Name: Jones | First Name: Eefrom | Middle Name: NMI

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: Black | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 30 | Height: 6'02 | D.O.B. 06/15/79 | Weight: 191 | Armed? ☐

Booking #: 1008241 | Primary Charge Code: Co Ret | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: Men's Central Jail Clinic | Coroner Case #: | Mental History ☐

By Doctor: | Address: 441 Bauchet St. L.A., CA 90012 | Phone #: 213-974-4940

Under Influence: ☐ YES ☒ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: 09/24/09 | Time: 1615 | Audiotape: ☐ | Videotape: ☒ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Supervisor's Report on Use of Force

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Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Jones	S/1	Navarro	E/1	RS		
Navarro	E/1	Jones	S/1	TD	BR	HE
Navarro	E/1	Jones	S/1	TD	FR	SH
Jones	S/1	Jones	S/1	RS	AB	LE
Luviano	E/2	Jones	S/1	CT	NN	
Jones	S/1	Luviano	E/2	PH	NN	
Navarro	E/1	Jones	S/1	TR	PW	BK
Jones	S/1	Luviano	E/2	PH	NN	
Luviano	E/2	Jones	S/1	PH	CP	BK
Jones	S/1	Luviano	E/2	PH	NN	
Navarro	E/1	Jones	S/1	PH	CP	BK
Jones	S/1	Navarro	E/1	RS		
Luviano	E/2	Jones	S/1	OC	CP	FA
Navarro	E/1	Jones	S/1	RH		

Force Applied

Take Down, Personal Weapons (Punches to the inmates back), Taser, OC Spray

Incident Details

Deputy Navarro and Deputy Luviano were both assigned to the 3000 floor on 09/24/09. At approximately 1430 hrs, Deputy Navarro escorted Inmate Jones from the attorney room to his assigned cell (3500 C-15) which is located on the upper tier. When Deputy Navarro walked Inmate Jones up the stairs, Inmate Jones asked Deputy Navarro if he could use the phone. Deputy Navarro explained to Inmate Jones that he is classified as a "K-6N" and was not permitted to use the phones (K-6N are inmates who have had their phone privileges revoked by a court order).

Inmate Jones became irate and yelled, "That's bull shit, I want to use the phones." Deputy Navarro continued to explain to him that he is not allowed to use the phones and he needed to return to his cell. Inmate Jones became aggressive and he turned rapidly towards Deputy Navarro with his hands clinched in a fist. As Inmate Jones advanced towards Deputy Navarro he yelled, "Fuck that, I ain't going no where till I get some phone action!"

Deputy Navarro believed that Inmate Jones was going to attack him. Therefore, he grabbed the inmates waist and took him to the ground in order to prevent Jones' attack. Deputy Luviano responded to the commotion and assisted Deputy Navarro. Both Deputies tried to gain control of Inmate Jones' hands but Inmate Jones was violently kicking and swinging his elbows. After trying unsuccessfully to gain control of Inmate Jones, Deputy Navarro tased him in the back for approximately 4-6 seconds. The taser had no effect due to the fact that only one prong made contact. Deputy Luviano punched the inmate 5-6 in the back to try to get him to stop fighting. Inmate Jones continued to violently swing his elbows and kick his feet at the deputies while attempting to stand up. Deputy Navarro punched Inmate Jones 3-4 times in the back to prevent Inmate Jones from hitting him with his elbows. The deputies were unable to gain control of Inmate Jones. Therefore, Deputy Luviano sprayed a short burst of Freeze + P to Inmate Jones' facial area. The spray had a positive affect on Inmate Jones and Deputy Navarro was able to handcuff him without further incident.

Report Use of Force by Involved Employee(s)

Deputy Luviano provided a written Supplemental Report that was consistent with his oral report to me. Deputy Navarro wrote a SH-R-49 Crime Report that was consistent with his oral report to me.

Witness Interview(s)

I checked the area for witnesses but due to the fact that the incident occurred by the stairs no inmates observed the incident.

Suspect Interview(s)

Suspect Interview(s) Conducted by: ☒ **Watch Commander** ☒ **Supervising Sergeant**

Due to a technical difficulty two interviews were conducted regarding the use of force. The first interview can be viewed in its entirety on the corresponding video cassette tape. Sergeant Ohnemus and Lt. Rivera conducted a videotaped interview with Inmate Jones on 09/24/09 and the second interview was conducted by Sgt. Barsh and Lt. Rivera on 10/10/09. Both interviews were for the most part consistent therefore the first interview will be referenced.

During the interview, Inmate Jones stated he was attacked by a bunch of deputies. He stated it was more than two, but uncertain of the deputies' names or the number of deputies. Inmates Jones stated that he was returning from an attorney visit and walking to his cell (3500 C-15) when he was attacked by several deputies. He stated that he just walked up the stairs by the showers when a deputy came behind him and choked him using his forearm and upper arm. Several deputies then responded and threw him to the ground, stomped on him an unknown amount of times in his stomach and legs. He stated that he was then punched in the stomach, head and face 2-3 times. After being stomped on, Inmate Jones said he was kicked in the head with a boot so hard that it blurred his vision. Next, he claims he was hit with a flashlight on his right shin and "tased" with a taser. Inmate Jones further stated that while he was being "tased" with a taser, he was pepper sprayed by another deputy. During the entire incident, Inmate Jones stated the deputies were yelling at him to stop resisting.

When Inmate Jones was asked about his injuries and pain he was experiencing he stated that he had pain to the left side of his head and jaw but stated it was "nothing major". Also, he continued stating that the back of his head hurt and he complained of pain to his left shoulder and both legs. During both interviews Inmate Jones dramatically moved his shoulder and upper body without any visible indications he was in pain or was injured.

Sergeant Ohnemus examined Inmate Jones for visible injuries and observed that the inmate had red eyes which is consistent with being pepper sprayed. He also saw a puncture wound on the inmate's back which is consistent with being tased. The inmate had a bump on the left side of his eye which is consistent with the deputy performing a take down. The inmate's legs each had a minor bump on the shin area which most likely was caused when Deputy Navarro took him to the ground and the inmate's legs hit the wall. Sergeant Ohnemus did not see or feel any bump on the back of the inmate's head. Also, there were no marks, redness or signs of injury to the inmate's chest or neck area. There were no signs of or marks that are consistent with the inmate being stomped on or kicked in the head.

Inmate Jones is currently taking psychiatric medication for depression. He denies asking the deputies to use the phone and states the deputies just attacked him for no reason. He further stated that he has written numerous complaints because he wants to use the phones, but has a court order denying him the use of phones.

Medical Review

Nurse Portiz #[redacted]treated Inmate Jones. Nurse stated that Inmate Jones was alert with a steady gait and did not appear to have "blacked out." He sustained an abrasion (puncture wound) on the right side of his back. The inmate's face was red and he had watery eyes. Pain to his upper and lower extremities and skin irritation.

On October 5, 2009, I was notified that Inmate Jones did sustain a fracture to his left scapula.

Training & Tactical Review

☒ **Debriefing held to discuss training and tactical issues.**

I spoke to the deputies about using the taser rather than their fists to prevent injury to themselves and to quickly subdue the inmate. I commended the deputies for eventually using the taser and O.C. spray in order to stop the combative inmate.

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Watch Commander's Review

CONCLUSIONS/RECOMMENDATION

Based on the information provided, Deputy Navarro's and Deputy Luviano's actions were precipitated and in direct response to Inmate Jones' uncooperative behavior as well as his assaultive actions. The subsequent force used, take down, personal weapons (fists), taser, and Freeze +P spray were objectively reasonable given the circumstances surrounding this incident.

Deputy Navarro was confronted, challenged, and assaulted by Inmate Jones after being denied use of a telephone after an attorney visit. Unbeknownst to Deputy Navarro, Inmate Jones had a history of mental illness and was recently de-classed as a mental observation inmate from Twin Towers Correctional Facility ten and a half weeks prior. In general, deputies do not know which inmates have been de-classed putting them at a disadvantage as to who will have a relapse and display aggressive behavioral issues at any given time. Module 3500 Charlie Row is solely designated for inmates who are prohibited from phone use. Also, K6N's as they are classified are not required to be handcuffed when moving from point A to B. Inmate Jones clearly understood he was not allowed to use the phone and became upset and hostile when his request was denied. It is my opinion based on the totality of the circumstances that Inmate Jones felt empowered to ask for phone use because he had just had a visit with his attorney.

There are other variables to note that refute Inmate Jones' claim that he was "jumped from behind by deputies for no apparent reason" which are as follows;

- Inmate Jones has an M.O. history dating from 10-09-07 to the present (refer to attached memo).
- Inmate Jones stated on video he did not demand to use the phone however he later said he had made several inmate complaints about not having phone access. (refer to videotape).
- According to M.C.J. jail detectives, Inmate Jones has a court order not to use the phones because of past lewd comments/conduct on the phone with random, unsuspected children while in jail.
- Inmate Jones claimed he was "stomped on" by deputies however there were no visible marks of boot prints on his clothing and/or body (refer to videotape).
- Inmates Jones claims numerous deputies attacked him. There were only two deputies involved in the use of force. One was escorting and was attacked and the other deputy had to exit the security cage to assist his partner. (refer to Sh ad 49 and Supplemental report). In the first interview he said there were approximately three deputies involved. In his second interview he said there were more than 5 deputies.
- Inmate Jones exaggerated his injuries. He stated the back of his head hurt yet there were no marks, bumps, and/or medical documentation as to an injury to the back of his head.
- At the termination of the first interview, Inmate Jones laughed and winked at me. (Unknown if he did this because he was being deceptive and/or because of his mental issues).
- The deputies verbal account of the taser not being effective because one prong had missed the inmate was consisted with the medical report and visual inspection of Inmate Jones having one small puncture wound. This explains why Inmate Jones was able to continue fighting.
- Inmate Jones was found to have a minor fracture on his left scapula which according to medical staff was hard to detect and is now considered closed. (refer to medical report).
- It is possible that Inmate Jones received the described fracture when he was taken down by Deputy Navarro and/or when he was punched numerous times in the back by Deputy Navarro in order to stop Inmate Jones' assault (swinging elbows) as described in his report.
- Inmate Jones stated and has a record of hallucinating and hearing voices due to his mental illness. (refer to M.O report).

Findings:

I have reviewed all of the documentation pertaining to this use of force incident. The force used was objectively reasonable, properly reported and within department policy. I recommend no further action.

Training:

None.

Case Status

At the time of this report, Detective Salazar attempted to speak with Inmate Jones however he refused to discuss the case. A second attempt to interview Suspect Jones will be made prior to the case being presented to the District Attorney.